

~~BY EMAIL~~

The Honorable Pamela K. Chen
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Joel Herman v. City of New York, et al., 15 CV 03059 (PKC) (SJB)

Your Honor:

I am writing as the plaintiff the in the instant matter. Due to the extraordinary circumstance as set forth below plaintiff requests: (1) The honorable Judge accept the 3-day late motion for a 90-day extension of briefing schedule Nunc pro tunc 4/25/22; and (2) for permission to retain new counsel. This is the Plaintiffs' first request for an extension of the briefing schedule.

As the court is aware Plaintiff has been, represented by Attorney Simon Schwarz in the matter currently in que. I received distressing news Late February, 2022, that Attorney Simon Schwarz suffered a stroke while at Synagogue. He was rushed to the hospital and to the ICU surgery unit of Maimonides Hospital. Attorney Schwarz has since subsequently passed away. This sudden and unexpected passing of Attorney Schwarz effectively turned myself into a prose litigant.

I was unaware until yesterday 4/27/22 that an order was entered on March 28, 2022 which inter alia found that ***"the malicious prosecution and fair trial claims may proceed against Wieber to the extent they concern the events stemming from the May 30, 2014 arrest. The federal failure to intervene claim may proceed against Mamys to the extent it concerns the alleged malicious prosecution stemming from the May 30, 2014 arrest"***.

Furthermore, I was not aware until yesterday 4/27/22 that on 04/08/2022 defendants filled a Letter MOTION for Reconsideration re 251 Order on Motion for Summary Judgment by Robert Mamys, Kenneth Wieber.

Likewise, I was unaware until yesterday 4/27/22 that the honorable judge ordered that Plaintiff shall file a response to Defendants' 252 motion for reconsideration on or before April 25, 2022. Ordered by Judge Pamela K. Chen on 4/11/2022.

I had not received any communication from the Defendants attorney nor from the EDNY clerk relating to any of the orders from your honor above.

I request that your Honor please grant me the letter motion for a 90-day adjournment of all proceedings Nunc pro tunc 4/25/22 so that I may retain new counsel for reasonable time to familiarize As your honor knows this instant action spans since May 2015. As of today, Mr. Schwarz was the most familiar in this case.

Accordingly, I respectfully request that the 90-day adjournment, including all briefing of the pending motion be granted

Plaintiff thanks the Court for its consideration herein.

Respectfully,
Joel Herman